

RAMIRO MORALES, Bar # 167947
rmorales@mfrlegal.com
 DAVID A. ASTENGO, Bar # 196096
dastengo@mfrlegal.com
 MORALES, FIERRO & REEVES
 2300 Contra Costa Blvd., Suite 310
 Pleasant Hill, California 94523
 Telephone: (925) 288-1776
 Facsimile: (925) 288-1856

Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER
 SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
 NORHTERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

SIERRA BAY CONTRACTORS, INC., A California Corporation,)	CASE NO.: 3:10-cv-04611-RS
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER FOR DISMISSAL OF GEMINI
)	INSURANCE COMPANY WITH
)	PREJUDICE
vs.)	
)	
WESTCHESTER SURPLUS LINES)	
INSURANCE COMPANY, a Georgia)	
corporation, and DOES 1 through 50,)	
inclusive,)	
)	
Defendants.)	
)	
AND RELATED CROSS-ACTIONS)	
)	

Pursuant to F.R.C.P. 41, Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company (“Westchester”), and Third-Party Defendant, Gemini Insurance Company (“Gemini Insurance”), have agreed and hereby stipulate to the dismissal of Gemini Insurance, from Westchester’s First Amended Third-Party Complaint, with prejudice, subject to said parties’ mutual waiver of costs. Said parties request the Court’s approval and execution of the below proposed order for dismissal.

DATE: December 20, 2012

By: /s/ Amy K. Thomas
 AMY K. THOMAS
 Attorneys for Third-Party Defendant,
 GEMINI INSURANCE COMPANY

DATE: December 20, 2012

By: /s/ David Astengo
 DAVID A. ASTENGO
 Attorneys for Defendant and Third-Party
 Plaintiff, WESTCHESTER SURPLUS LINES
 INSURANCE COMPANY

Having reviewed the above stipulation, the Court orders that Defendant and Third-Party Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint against Third-Party Defendant, Gemini Insurance Company, be dismissed, with prejudice. The remainder of Westchester Surplus Lines Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by this Order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 12/20/12

Richard Schenberg

HONORABLE RICHARD SEEBORG
United States District Court
Northern District of California